

BEFORE THE
VETERINARY MEDICAL BOARD
DEPARTMENT OF CONSUMER AFFAIRS
STATE OF CALIFORNIA

In the Matter of the Accusation Against:

) Case No. AV 2006 19
)
)

JAMES COGHLAN, DVM
1745 West 17th Street, #C
Santa Ana, CA 92706

) OAH No. L2008090500
)
)
)

Veterinary License No. VET 9742
Premise Permit No. HSP 4414

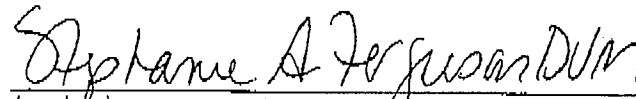
) Respondent.)

DECISION AND ORDER

The attached Stipulated Settlement and Disciplinary Order is hereby adopted by the Veterinary Medical Board, Department of Consumer Affairs, as its Decision in this matter.

This Decision shall become effective on May 6, 2011.

IT IS SO ORDERED April 6, 2011.



Stephanie A. Ferguson, DVM, Board President
FOR THE VETERINARY MEDICAL BOARD
DEPARTMENT OF CONSUMER AFFAIRS

1 EDMUND G. BROWN JR.
Attorney General of California
2 JAMES M. LEDAKIS
Supervising Deputy Attorney General
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Attorneys for Complainant

8
9 **BEFORE THE**
VETERINARY MEDICAL BOARD
10 **DEPARTMENT OF CONSUMER AFFAIRS**
STATE OF CALIFORNIA

11 In the Matter of the Accusation Against:

12 **JAMES COGHLAN, DVM**
13 **1745 West 17th Street, #C**
14 **Santa Ana, CA 92706**

15 **Veterinary License No. 9742**
Premise Permit No. 4414

16 Respondent.

Case No. AV 2006 19

OAH No. L2008090500

STIPULATED SETTLEMENT AND
DISCIPLINARY ORDER

17
18 In the interest of a prompt and speedy settlement of this matter, consistent with the public
19 interest and the responsibility of the Veterinary Medical Board of the Department of Consumer
20 Affairs, the parties hereby agree to the following Stipulated Settlement and Disciplinary Order
21 which will be submitted to the Board for approval and adoption as the final disposition of the
22 Amended Accusation.

23 **PARTIES**

24 1. Susan M. Geranen (Complainant) is the Executive Officer of the Veterinary Medical
25 Board. She brought this action solely in her official capacity and is represented in this matter by
26 Edmund G. Brown Jr., Attorney General of the State of California, by Karen L. Gordon, Deputy
27 Attorney General.
28

2. Respondent James Coghlan, DVM (Respondent) is represented in this proceeding by Bonnie Lutz, Attorney at Law, Klinedinst, 5 Hutton Centre Drive, Suite 1000, Santa Ana, CA 92707.

3. On or about September 1, 1987, the Veterinary Medical Board issued Veterinary License No. 9742 to James Coghlan, DVM (Respondent). The license was in full force and effect at all times relevant to the charges brought in Accusation.No. AV 2006 19 and will expire on June 30, 2012, unless renewed.

4. On or about November 20, 1990, the Veterinary Medical Board issued Premise Permit No. 4414 to 17th Street Animal Hospital, James Coghlan, Managing Licensee. The Premise Permit was in full force and effect at all times relevant to the charges brought in Accusation No. AV 2006 19 and will expire on May 15, 2011, unless renewed.

JURISDICTION

5. Accusation No. AV 2006 19 was filed before the Veterinary Medical Board (Board), Department of Consumer Affairs, and is currently pending against Respondent. The Accusation and all other statutorily required documents were properly served on Respondent on August 14, 2008. Respondent timely filed his Notice of Defense contesting the Accusation.

6. Amended Accusation No. AV 2006 19 was filed before the Veterinary Medical Board (Board), Department of Consumer Affairs, and is currently pending against Respondent. The Amended Accusation and all other statutorily required documents were properly served on Respondent on November 19, 2008. A copy of Amended Accusation No. AV 2006 19 is attached as Exhibit A and incorporated herein by reference.

ADVISEMENT AND WAIVERS

7. Respondent has carefully read, fully discussed with counsel, and understands the charges and allegations in Amended Accusation No. AV 2006 19. Respondent has also carefully read, fully discussed with counsel, and understands the effects of this Stipulated Settlement and Disciplinary Order.

8. Respondent is fully aware of his legal rights in this matter, including the right to a hearing on the charges and allegations in the Amended Accusation; the right to confront and cross-examine the witnesses against him; the right to present evidence and to testify on his own behalf; the right to the issuance of subpoenas to compel the attendance of witnesses and the production of documents; the right to reconsideration and court review of an adverse decision; and all other rights accorded by the California Administrative Procedure Act and other applicable laws.

9. Respondent voluntarily, knowingly, and intelligently waives and gives up each and every right set forth above.

CULPABILITY

10. Respondent admits the truth of each and every charge and allegation in Amended Accusation No. AV 2006 19, with the exception of paragraphs 43, 44, 59, 65 (last two sentences), 67, 75, and 80.

11. Respondent agrees that his Veterinarian's License and Premise Permit are subject to discipline and he agrees to be bound by the Veterinary Medical Board's imposition of discipline as set forth in the Disciplinary Order below.

CONTINGENCY

12. This stipulation shall be subject to approval by the Veterinary Medical Board. Respondent understands and agrees that counsel for Complainant and the staff of the Veterinary Medical Board may communicate directly with the Board regarding this stipulation and settlement, without notice to or participation by Respondent. By signing the stipulation, Respondent understands and agrees that he may not withdraw his agreement or seek to rescind the stipulation prior to the time the Board considers and acts upon it. If the Board fails to adopt this stipulation as its Decision and Order, the Stipulated Settlement and Disciplinary Order shall be of no force or effect, except for this paragraph, it shall be inadmissible in any legal action between the parties, and the Board shall not be disqualified from further action by having considered this matter.

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13. The parties understand and agree that facsimile copies of this Stipulated Settlement and Disciplinary Order, including facsimile signatures thereto, shall have the same force and effect as the originals.

14. In consideration of the foregoing admissions and stipulations, the parties agree that the Board may, without further notice or formal proceeding, issue and enter the following Disciplinary Order:

DISCIPLINARY ORDER

IT IS HEREBY ORDERED that Veterinarian License No. 9742 issued to Respondent James Coghlan, DVM and Premise Permit No. 4414 issued to West 17th Street Animal Hospital are revoked. However, the revocations are stayed and Respondent is placed on probation for four (4) years on the following terms and conditions.

Actual Suspension - Individual License. As part of probation, Veterinarian License No. 9742 issued to Respondent James Coghlan is suspended, if he fails a psychological evaluation. In which case, the psychological evaluator would recommend a suspension time period to be approved by the Board.

During said suspension, Respondent shall not enter any veterinary hospital which is licensed by the Board. Additionally, Respondent shall not manage, administer, or be a consultant to any veterinary hospital or any veterinarian during the period of actual suspension and shall not engage in any veterinary-related service or activity.

1. **Obey All Laws.** Respondent shall obey all federal and state laws and regulations substantially related to the practice of veterinary medicine.

2. **Quarterly Reports And Interviews.** Respondent shall report quarterly to the Board or its designee, under penalty of perjury, on forms provided by the Board, stating whether there has been compliance with all terms and conditions of probation. In addition, the Board at its discretion may request additional in-person reports of the probationary terms and conditions. If the final written quarterly report is not made as directed, the period of probation shall be extended until such time as the final report is received by the Board. Respondent shall make available all patient records, hospital records, books, logs, and other documents to the Board, upon request.

1 3. **Cooperation With Probation Surveillance.** Respondent shall comply with the
2 Board's probation surveillance program.

3 4. **No Preceptorships or Supervision of Interns.** Respondent shall not supervise a
4 registered intern and shall not perform any of the duties of a preceptor.

5 5. **Notice to Employers.** Respondent shall notify all present and prospective employers
6 of the Decision in this case and the terms, conditions, and restrictions imposed on Respondent by
7 the Decision in this case. Within thirty (30) days of the effective date of this Decision and within
8 fifteen (15) days of Respondent undertaking new employment, Respondent shall cause his
9 employer to report to the Board in writing, acknowledging the employer has read the Accusation
10 and Decision in this case and understands Respondent's terms and conditions of probation. Relief
11 veterinarians notify employers immediately.

12 6. **Notice to Employees.** Respondent shall, upon or before the effective date of this
13 Decision, post or circulate a notice which actually recites the offenses for which Respondent has
14 been disciplined and the terms and conditions of probation, to all veterinary and animal health
15 technician employees, and to any preceptor, intern or extern involved in his veterinary practice.
16 Within fifteen (15) days of the effective date of this Decision, Respondent shall cause his
17 employees to report to the Board in writing, acknowledging the employees have read the
18 Accusation and Decision in the case and understand Respondent's terms and conditions of
19 probation. Relief veterinarians notify employees immediately.

20 7. **Owners And Officers (Corporations or Partnerships): Knowledge of The Law.**
21 Respondent shall provide, within thirty days after the effective date of the Decision, signed and
22 dated statements from the owners, officers, or any owner or holder of ten percent (10%) or more
23 of the interest in Respondent or Respondent's stock, stating said individuals have read and are
24 familiar with federal and state laws and regulations governing the practice of veterinary medicine.

25 8. **Posted Notice of Suspension.** If suspension is ordered, Respondent shall post a
26 notice of the Board's Order of Suspension, in a place clearly visible to the public. Said notice,
27 provided by the Board, shall remain so posted during the entire period of actual suspension.
28

1 9. **Tolling of Probation.** If Respondent resides out of state upon effective date of the
2 decision, he must comply with the following conditions only: quarterly reports and interviews,
3 tolling of probation, continuing education and cost recovery. If Respondent returns to California
4 he must comply or be subject to all probationary conditions for the period of probation.

5 Respondent, during probation, shall engage in the practice of Veterinary Medicine in
6 California for a minimum of 24 hours per week for six (6) consecutive months or as determined
7 by the Board. Should Respondent fail to engage in the practice of Veterinary Medicine in
8 California as set forth above, the time outside of the practice shall not apply to reduction of the
9 probationary terms.

10 10. **Violation of Probation.** If Respondent violates probation in any respect, the Board,
11 after giving Respondent notice and the opportunity to be heard, may revoke probation and carry
12 out the disciplinary order that was stayed. If an accusation or petition to revoke probation is filed
13 against Respondent during probation, or if the Attorney General's office has been requested to
14 prepare any disciplinary action against Respondent's license, the Board shall have continuing
15 jurisdiction until the matter is final, and the period of probation shall be extended until the matter
16 is final.

17 11. **Completion of Probation.** Upon successful completion of probation, Respondent's
18 license will be fully restored.

19 12. **Cost Recovery and Payment of Fines.** Pursuant to Section 125.3 of the California
20 Business and Professions Code, within thirty (30) days of the effective date of this decision,
21 Respondent shall pay to the Board its enforcement costs including investigation, hearing, and
22 probationary monitoring in the amount of \$13,476.00 or the respondent shall make said payments
23 as follows: \$449.20 per month for thirty (30) months.

24 FAILURE TO PAY THIS AMOUNT TO THE BOARD SHALL RESULT IN
25 AUTOMATIC REVOCATION OF THE LICENSE FORTHWITH, WITHOUT FURTHER
26 NOTICE OR AN OPPORTUNITY TO BE HEARD.

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1 13. **Supervised Practice.** Respondent shall practice only under the supervision of a
2 veterinarian approved by the Board. The supervision directed may be continuous supervision,
3 substantial supervision, partial supervision, or supervision by daily review, as deemed necessary
4 by the Board. All costs involved with practice supervision shall be borne by Respondent.

5 Within thirty (30) days of the effective date of the Decision, Respondent shall have his
6 supervisor submit a report to the Board in writing stating the supervisor has read the Decision in
7 Case Number AV 2006-19. Should Respondent change employment, Respondent shall have his
8 new supervisor, within fifteen (15) days after employment commences, submit a report to the
9 Board in writing stating the supervisor has read the Decision in Case Number AV 2006-19.

10 Respondent's supervisor shall, on a basis to be determined by the Board, review and
11 evaluate all or a designated portion of patient records of those patients for whom Respondent
12 provides treatment or consultation during the period of supervised practice. The supervisor shall
13 1) review these records to assess the medical necessity and appropriateness of Respondent's
14 treatment; 2) Respondent's compliance with community standards of practice in the diagnosis
15 and treatment of animal patients; 3) Respondent's maintenance of necessary and appropriateness
16 of Respondent's treatment; 4) Respondent's maintenance of necessary and appropriate records
17 and chart entries; and 5) Respondent's compliance with existing statutes and regulation governing
18 the practice of veterinary medicine.

19 Respondent's supervisor shall file monthly reports with the Board. These reports shall be in
20 a form designated by the Board and shall include a narrative section where the supervisor
21 provides his conclusions and opinions concerning the issues described above and the basis for his
22 conclusions and opinions. Additionally, the supervisor shall maintain and submit with his
23 monthly reports a log designating the patient charts reviewed, the date(s) of service reviewed, and
24 the date upon which the review occurred.

25 If Respondent is an employee rather than a veterinary hospital owner, the supervisor shall
26 additionally notify the Board of the dates and locations of all employment of Respondent, during
27 each month covered by his report.

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1 **14. Psychological Evaluation As a Condition Precedent to Practice.**

2 Within thirty (30) days of the effective date of this Decision, and on a periodic basis as may
3 be required by the Board or its designee, Respondent shall undergo psychiatric evaluation by a
4 psychotherapist (psychiatrist or psychologist) approved by the California Board of Psychology
5 and selected by the Veterinary Board from three (3) psychologists and psychiatrists proposed in
6 writing by Respondent, who shall determine Respondent's ability to practice veterinary medicine
7 safely, and who shall furnish a psychological report to the Board or its designee. The Veterinary
8 Board reserves the right to reject any or all of the psychologists or psychiatrists proposed by
9 Respondent, and appoint a psychotherapist of its own selection. All costs shall be borne by
10 Respondent.

11 If the psychotherapist (psychiatrist or psychologist) recommends and the Board or its
12 designee directs psychotherapeutic treatment, Respondent shall, within thirty (30) days of written
13 notice of the need for psychotherapy, submit the name and qualification of one or more
14 psychotherapists of Respondent's choice to the Board for its prior approval. Upon approval of
15 the treating psychotherapist by the Board, Respondent shall undergo and continue psychotherapy
16 until further notice from the Board. Respondent shall have the treating psychotherapist submit
17 quarterly written reports to the Board. All costs shall be borne by Respondent.

18 As of the effective date of the Decision, Respondent shall not engage in the practice of
19 veterinary medicine until notified in writing by the Board of its determination that Respondent is
20 mentally fit to practice safely. If recommended by the psychotherapist (psychiatrist or
21 psychologist) by the Board or its designee, Respondent shall be barred from practicing veterinary
22 medicine until the treating psychotherapist recommends, in writing and stating the basis therefore,
23 that Respondent can safely practice veterinary medicine, and the Board approves said
24 recommendation. All costs shall be borne by Respondent.

25 **15. Rehabilitation Program - Alcohol or Drug.** Within thirty (30) days of the effective
26 date of this Decision, Respondent shall meet and confer with a rehabilitation facility in the county
27 in which he resides, Orange County. Such rehabilitation facility shall be approved by the Orange
28 County Superior Court/Probation Department. The rehabilitation facility shall have access to the

1 Accusation and Decision in Case Number AV 2006-19 in administering their evaluation.
2 Respondent shall be assessed by a drug/alcohol counselor to determine whether or not he suffers
3 any chemical dependency. If Respondent is found to be chemically dependent, then he shall
4 enroll in whatever drug/alcohol program is recommended to him. If Dr. Coghlan is not
5 determined to have any chemical dependency, then he will not be required to undergo
6 drug/alcohol treatment but will still need to submit to biological fluid testing. All costs shall be
7 borne by Respondent.

8 **16. Submit Biological Fluid Samples.** Respondent shall immediately submit to
9 biological fluid testing, at Respondent's cost, upon request by the Board or its designee. There
10 will be no confidentiality in test results; positive test results will be immediately reported to the
11 Board and to Respondent's current employer.

12 **17. Abstain from Controlled Substances.** Respondent shall completely abstain from
13 the personal use or possession of controlled substances, as defined in the California Uniform
14 Controlled Substances Act, and dangerous drugs as defined in Section 4211 of the Business and
15 Professions Code, except when lawfully prescribed by a licensed practitioner for a bonafide
16 illness.

17 **18. Abstention from Alcohol Use.** Respondent shall abstain completely from the use of
18 alcoholic beverages.

19 **19. Fine.** Respondent shall pay to the Board a fine in the amount of \$3,000.00 pursuant
20 to Business and Professions Code sections 4875 and 4883. Respondent shall make said payments
21 as follows: \$100.00 per month for 30 months.

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ACCEPTANCE

I have carefully read the Stipulated Settlement and Disciplinary Order and have fully discussed it with my attorney, Bonnie Lutz. I understand the Stipulation and the effect it will have on my Veterinarian's License and Premise Permit. I enter into this Stipulated Settlement and Disciplinary Order voluntarily, knowingly, and intelligently, and agree to be bound by the Decision and Order of the Veterinary Medical Board.


DATED: 12/14/2010


JAMES COGHLAN, DVM
Respondent

APPROVED

I have read and fully discussed with Respondent the terms and conditions and other matters contained in the above Stipulated Settlement and Disciplinary Order. I approve its form and content.

DATED: 2/7/11


BONNIE L. LUTZ, ESQ.
Attorney for Respondent

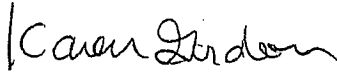
1 **ENDORSEMENT**

2 The foregoing Stipulated Settlement and Disciplinary Order is hereby respectfully
3 submitted for consideration by the Veterinary Medical Board of the Department of Consumer
4 Affairs.

5 Dated: 2-10-11

6 Respectfully Submitted,

7 EDMUND G. BROWN JR.
8 Attorney General of California
9 JAMES M. LEDAKIS
10 Supervising Deputy Attorney General

11 
12 KAREN L. GORDON
13 Deputy Attorney General
14 *Attorneys for Complainant*

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Exhibit A

Amended Accusation No. AV 2006 19

1 EDMUND G. BROWN JR., Attorney General
of the State of California
2 LINDA K. SCHNEIDER,
Supervising Deputy Attorney General
3 KAREN L. GORDON, State Bar No. 137969
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4 California Department of Justice
110 West "A" Street, Suite 1100
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Facsimile: (619) 645-2061

8 Attorneys for Complainant

9
10 **BEFORE THE**
VETERINARY MEDICAL BOARD
DEPARTMENT OF CONSUMER AFFAIRS
11 **STATE OF CALIFORNIA**

12 In the Matter of the Amended Accusation
Against:

13 JAMES C. COGHLAN, DVM
14 WEST 17th STREET ANIMAL HOSPITAL
1745 West 17th Street, Suite C
15 Santa Ana, CA 92706

16 Veterinarian License No. 9742
Premise Permit No. 4414

17 Respondent.
18

OAH No. L2008090500

Case No. AV 2006 19

AMENDED ACCUSATION

19
20 Complainant alleges:

21 **PARTIES**

22 1. Susan M. Geranen (Complainant) brings this Amended Accusation solely
23 in her official capacity as the Executive Officer of the Veterinary Medical Board, Department of
24 Consumer Affairs.

25 2. On or about September 1, 1987, the Veterinary Medical Board issued
26 Veterinarian License Number 9742 to James C. Coghlan (Respondent). The License was in full
27 force and effect at all times relevant to the charges brought herein and will expire on June 30,
28 2010, unless renewed.

1 3. On or about November 20, 1990, the Veterinary Medical Board issued
2 Premise Permit Number 4414 to West 17th Street Animal Hospital, James Coghlan, Managing
3 Licensee. The Premise Permit was in full force and effect at all times relevant to the charges
4 brought herein and will expire on May 15, 2010, unless renewed.

5 **STATUTORY PROVISIONS**

6 4. This Amended Accusation is brought before the Veterinary Medical Board
7 (Board), Department of Consumer Affairs, under the authority of the following laws. All section
8 references are to the Business and Professions Code ("Code") unless otherwise indicated.

9 5. Section 125.3 of the Code provides in pertinent part that:

10 In any order issued in resolution of a disciplinary proceeding before any board
11 within the department, the board may request the administrative law judge to direct a licensee
12 found to have committed a violation or violations of the licensing act to pay a sum not to exceed
13 the reasonable costs of the investigation and enforcement of the case.

14 6. Section 490 of the Code states, in pertinent part:

15 A board may suspend or revoke a license on the ground that the licensee has
16 been convicted of a crime, if the crime is substantially related to the qualifications,
17 functions, or duties of the business or profession for which the license was issued. A
conviction within the meaning of this section means a plea or verdict of guilty or a
conviction following a plea of nolo contendere.

18 7. Section 493 of the Code states, in pertinent part:

19 Notwithstanding any other provision of law, in a proceeding conducted
20 by a board within the department pursuant to law to deny an application for a
21 license or to suspend or revoke a license or otherwise take disciplinary action
22 against a person who holds a license, upon the ground that the applicant or the
23 licensee has been convicted of a crime substantially related to the qualifications,
24 functions, and duties of the licensee in question, the record of conviction of the
crime shall be conclusive evidence of the fact that the conviction occurred, but
only of that fact, and the board may inquire into the circumstances surrounding
the commission of the crime in order to fix the degree of discipline or to determine
if the conviction is substantially related to the qualifications, functions, and duties
of the licensee in question.

25 8. Section 4059 of the Code states, in pertinent part:

26 (a) A person may not furnish any dangerous drug, except upon
27 the prescription of a physician, dentist, podiatrist, optometrist, veterinarian,
28 or naturopathic doctor pursuant to Section 3640.7.

///

1 9. Section 4081 of the Code states, in pertinent part:

2 (a) All records of manufacture and of sale, acquisition, or disposition
3 of dangerous drugs or dangerous devices shall be at all times during business
4 hours open to inspection by authorized officers of the law, and shall be preserved
5 for at least three years from the date of making. A current inventory shall be kept
6 by every manufacturer, wholesaler, pharmacy, veterinary food-animal drug retailer,
7 physician, dentist, podiatrist, veterinarian, laboratory, clinic, hospital, institution, or
establishment holding a currently valid and unrevoked certificate, license, permit,
registration, or exemption under Division 2 (commencing with Section 1200) of the
Health and Safety Code or under Part 4 (commencing with Section 16000) of Division
9 of the Welfare and Institutions Code who maintains a stock of dangerous drugs or
dangerous devices.

8 (b) The owner, officer, and partner of a pharmacy, wholesaler, or veterinary
9 food-animal drug retailer shall be jointly responsible, with the pharmacist-in-charge or
representative-in-charge, for maintaining the records and inventory described in this
section.

10 10. Section 4342 of the Code states, in pertinent part:

11 (a) The board may institute any action or actions as may be provided
12 by law and that, in its discretion, are necessary, to prevent the sale of pharmaceutical
13 preparations and drugs that do not conform to the standard and tests as to quality
and strength, provided in the latest edition of the United States Pharmacopoeia or the
National Formulary, or that violate any provision of the Sherman Food, Drug and
Cosmetic Law

14 (b) Any knowing or willful violation of any regulation adopted pursuant to
15 Section 4006 shall be subject to punishment in the same manner as is provided in
16 Sections 4336 [dangerous drugs by use of a minor as an agent - a felony] and 4321
[knowing violation of chapter - a misdemeanor.]

17
18 11. Section 4809.5 of the Code states:

19 The board may at any time inspect the premises in which veterinary
20 medicine, veterinary dentistry, or veterinary surgery is being practiced.

21 12. Section 4846.4 of the Code states:

22 (a) Each individual licensed by the board shall biennially apply for
23 renewal of his or her license or registration on or before the last day of the
applicant's birthday month. The application shall be made on a form provided
24 by the board.

25 (b) The application shall contain a statement to the effect that the applicant
26 has not been convicted of a felony, has not been the subject of professional disciplinary
action taken by any public agency in California or any other state or territory, and
27 has not violated any of the provisions of this chapter. If the applicant is unable to make
that statement, the application shall contain a statement of the conviction, professional
discipline, or violation.

28 ///

1 (c) The board may, as part of the renewal process, make necessary
2 inquiries of the applicant and conduct an investigation in order to determine if
cause for disciplinary action exists.

3 13. Section 4850 of the Code states:

4 Every person holding a license under this chapter shall conspicuously
5 display the license in his or her principal place of business.

6 14. Section 4853 of the Code states, in pertinent part:

7 (a) All premises where veterinary medicine, veterinary dentistry, veterinary
8 surgery, and the various branches thereof is being practiced shall be registered with the
board. The certificate of registration shall be on a form prescribed in accordance with
Section 164.

9 15. Section 4853.6 of the Code states, in pertinent part:

10 (b) When the licensee manager has, under proceedings conducted in accordance
11 with Chapter 5 (commencing with Section 11500) of Part 1 of Division 3 of Title 2
12 of the Government Code, the license to practice veterinary medicine, surgery, and
dentistry revoked or suspended.

13 16. Section 4856 of the Code states:

14 (a) All records required by law to be kept by a veterinarian subject to
15 this chapter [the Veterinary Medicine Practice Act], including, but not limited
16 to, records pertaining to diagnosis and treatment of animals and records
17 pertaining to drugs or devices for use on animals, shall be open to inspection
by the board, or its authorized representatives, during an inspection as part of
a regular inspection program by the board, or during an investigation initiated
in response to a complaint that a licensee has violated any law or regulation
that constitutes grounds for disciplinary action by the board. A copy of all
those records shall be provided to the board immediately upon request.

18 (b) Equipment and drugs on the premises, or any other place, where
19 veterinary medicine, veterinary dentistry, veterinary surgery, or the various
20 branches thereof is being practiced, or otherwise in the possession of a veterinarian
for purposes of that practice, shall be open to inspection by the board, or
21 its authorized representatives, during an inspection as part of a regular inspection
program by the board, or during an investigation initiated in response to a
22 complaint that a licensee has violated any law or regulation that constitutes
grounds for disciplinary action by the board.

23 17. Section 4875 of the Code provides, in pertinent part, that the

24 Board may revoke or suspend the license of any person to practice veterinary medicine or any
25 branch thereof, or assess a fine of not more than \$5,000, for any causes provided in the
26 Veterinary Medicine Practice Act (Bus. & Prof. Code, § 4800, et seq). A fine may be assessed in
27 lieu of or in addition to a suspension or revocation.

28 ///

1 18. Section 4876 of the Code provides, in pertinent part, that in addition to its
2 authority to suspend or revoke a license, or assess a fine, the Board shall have the authority to
3 place a licensee on probation.

4 19.. Section 4883 of the Code provides, in pertinent part, that the Board may
5 revoke or suspend a veterinarian's license or assess a fine for:

6 (a) Conviction of a crime substantially related to the qualifications, functions, or
7 duties of veterinary medicine, surgery, or dentistry, in which case the record of the
conviction shall be conclusive evidence.

8
9 (c) Violating or attempting to violate any of the provisions of this chapter [the
Veterinary Medicine Practice Act].

10
11 (g) Unprofessional conduct, that includes, but is not limited to, the following:

12 (2)(A) The use of or prescribing for or administering to himself, any
controlled substance.

13 (B) The use of any of the dangerous drugs or of alcoholic beverages to
14 the extent, or in any manner as to be dangerous or injurious to a person licensed under
15 this chapter, or to any other person or the public; or to the extent that the use impairs the
ability of the person so licensed to conduct with safety the practice authorized by the
license.

16 (3) A violation of any federal statute, rule, or regulation or any of the
17 statutes, rules, or regulations of this state regulating dangerous drugs or controlled
18 substances.

19
20 (i) Fraud, deception, negligence, or incompetence in the practice of veterinary
medicine.

21 (j) Aiding or abetting in any acts that are in violation of provisions of this chapter
22 [the Veterinary Medicine Practice Act].

23
24 (o) Violation, or the assisting or abetting violation, of any regulations adopted by
the board pursuant to this chapter [the Veterinary Medicine Practice Act].

25 20. Section 4885 of the Code states, in pertinent part:

26 A plea or verdict of guilty or a conviction following a plea of nolo
27 contendere made to a charge of a felony or of any offense related to
the practice of veterinary medicine is deemed to be a conviction within
28 the meaning of this article.

1 21. Section 11240 of the Health and Safety Code states:

2 “No veterinarian shall prescribe, administer, or furnish a controlled substance for
3 himself or any other human being.”

4 22. Section 12500 of the Vehicle Code states, in pertinent part:

5 (a) A person may not drive a motor vehicle upon a highway, unless the person
6 then holds a valid driver's license

7 23. Section 23152 of the Vehicle Code states, in pertinent part:

8 (a) It is unlawful for any person who is under the influence of any alcoholic
9 beverage or drug, or under the combined influence of any alcoholic beverage and
drug, to drive a vehicle.

10 (b) It is unlawful for any person who has 0.08 percent or more, by weight, of
11 alcohol in his or her blood to drive a vehicle. For purposes of this article and Section
12 34501.16, percent, by weight, of alcohol in a person's blood is based upon grams
13 of alcohol per 100 milliliters of blood or grams of alcohol per 210 liters of breath.
14 In any prosecution under this subdivision, it is a rebuttable presumption that the
person had 0.08 percent or more, by weight, of alcohol in his or her blood at the
time of driving the vehicle if the person had 0.08 percent or more, by weight,
of alcohol in his or her blood at the time of the performance of a chemical test
within three hours after the driving.

15 24. California Code of Regulations, Title 16 (“CCR”) section 2030, states in
16 pertinent part:

17 All fixed premises where veterinary medicine and its various branches are
18 being practiced, and all instruments, apparatus and apparel used in connection with
19 those practices, shall be kept clean and sanitary at all times and shall conform to or
possess the following minimum standards:

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21 (d) If animals are housed or retained for treatment, the following shall be
provided:

22

23 (3) If there are to be no personnel on the premises during any time an
24 animal is left at the veterinary facility, prior written notice of this fact shall be given
to the client. For purposes of this paragraph, prior written notice may be accompanied
by posting a sign in a place and manner conspicuous to the clients of the premises,
stating that there may be times when there is no personnel on the premises.

25 (e) When a veterinary premises is closed, a sign shall be posted at the
26 entrance with a telephone number and location where pre-arranged veterinary care
is available. An answering machine or service shall be used to notify the public
27 when the veterinary premises will be re-opened and where pre-arranged veterinary
care is available. If no after hours emergency care is available, full disclosure shall
28 be provided to the public prior to rendering services.

1 (f) The veterinary premises shall meet the following standards:

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3 (6) All drugs and biologicals shall be maintained, administered, dispensed
4 and prescribed in compliance with state and federal laws.

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6 (g) A veterinary premises which provides aseptic surgical services shall
7 comply with the following:

8 (1) A room, separate and distinct from all other rooms shall be reserved
9 for aseptic surgical procedures which require aseptic preparation. Storage in the
10 surgery room shall be limited to items and equipment normally related to surgery
11 and surgical procedures. A veterinarian may perform emergency aseptic surgical
12 procedures in another room when the room designed for aseptic surgery is occupied
13 or temporarily unavailable.

14 25. California Code of Regulations, Title 16 ("CCR") section 2032.2, states:

15 (a) A written order, by a veterinarian, for dangerous drugs, as defined
16 by Pharmacy Code section 4022, shall include the following information:

- 17 (1) The name, signature, address and telephone number of the
18 prescribing veterinarian.
- 19 (2) The veterinarian's license number and his or her federal
20 registry number if a controlled substance is prescribed.
- 21 (3) The name and address of the client.
- 22 (4) The species and name, number or other identifying information
23 for the animal.
- 24 (5) The name, strength, and quantity of the drug(s).
- 25 (6) Directions for use, including, if applicable, withdrawal time.
- 26 (7) Date of issue.
- 27 (8) The number of refills.

28 (b) All drugs dispensed shall be labeled with the following information:

- 29 (1) Name, address and telephone number of the facility.
- 30 (2) Client's name.
- 31 (3) The species and name, number, or other identifying information for
32 the animal.
- 33 (4) Date dispensed.
- 34 (5) Directions for use, including, if applicable, withdrawal time.
- 35 (6) The manufacturer's trade name of the drug or the generic names,
36 strength (if more than one dosage form exists), and quantity of
37 drug, and the expiration date when established by the
38 manufacturer.

39 (7) Name of prescribing veterinarian.

40 26. California Code of Regulations, Title 16 ("CCR") section 2032.3, states:

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1 (a) Every veterinarian performing any act requiring a license pursuant
2 to the provisions of Chapter 11, Division 2, of the code, upon any animal or group
3 of animals shall prepare a legible, written or computer generated record
4 concerning the animal or animals which shall contain the following information:

- 5 (1) Name or initials of the veterinarian responsible for entries.
- 6 (2) Name, address and phone number of the client.
- 7 (3) Name or identity of the animal, herd or flock.
- 8 (4) Except for herds or flocks, age, sex, breed, species, and color of the
9 animal.
- 10 (5) Dates (beginning and ending) of custody of the animal, if applicable.
- 11 (6) A history or pertinent information as it pertains to each animal, herd, or
12 flock's medical status.
- 13 (7) Data, including that obtained by instrumentation, from the physical
14 examination.
- 15 (8) Treatment and intended treatment plan, including medications, dosages
16 and frequency of use.
- 17 (9) Records for surgical procedures shall include a description of the
18 procedure, the name of the surgeon, the type of sedative/anesthetic agents
19 used, their route of administration, and their strength if available in more
20 than one strength.
- 21 (10) Diagnosis or tentative diagnosis at the beginning of custody of animal.
- 22 (11) If relevant, a prognosis of the animal's condition.
- 23 (12) All medications and treatments prescribed and dispensed, including
24 strength, dosage, quantity, and frequency.
- 25 (13) Daily progress, if relevant, and disposition of the case.

26 (b) Records shall be maintained for a minimum of 3 years after the animal's
27 last visit. A summary of an animal's medical records shall be made available to the client
28 upon his or her request. The summary shall include:

- 1 (1) Name and address of client and animal.
- 2 (2) Age, sex, breed, species, and color of the animal.
- 3 (3) A history or pertinent information as it pertains to each animal's medical
4 status.
- 5 (4) Data, including that obtained by instrumentation, from the physical
6 examination.
- 7 (5) Treatment and intended treatment plan, including medications, their
8 dosage and frequency of use.
- 9 (6) All medications and treatments prescribed and dispensed, including
10 strength, dosage, quantity, and frequency.
- 11 (7) Daily progress, if relevant, and disposition of the case.

12 (c)(1) Radiographs are the property of the veterinary facility that originally
13 ordered them to be prepared. Radiographs shall be released to another veterinarian upon
14 the request of another veterinarian who has the authorization of the client. Radiographs
15 shall be returned to the veterinary facility which originally ordered them to be prepared
16 within a reasonable time upon request. Radiographs originating at an emergency hospital
17 shall become the property of the next attending veterinary facility upon receipt of said
18 radiograph(s). Transfer of radiographs shall be documented in the medical record.

- 19 (2) All exposed radiographic films, except for intraoral radiographs, shall
20 have a permanent identification legibly exposed in the film emulsion,
21 which shall include the following:

- 1 (A) The hospital or clinic name and/or the veterinarian's name,
2 (B) Client identification,
3 (C) Patient identification, and
4 (D) The date the radiograph was taken.

5 (d) Laboratory data is the property of the veterinary facility which originally
6 ordered it to be prepared, and a copy shall be released upon the request of the client.

7 (e) The client shall be provided with a legible copy of the medical record
8 when the patient is released following emergency clinic service. The minimum
9 information included in the medical record shall consist of the following:

- 10 (1) Physical examination findings
11 (2) Dosages and time of administration of medications
12 (3) Copies of diagnostic data or procedures
13 (4) All radiographs, for which the facility shall obtain a signed release when
14 transferred
15 (5) Surgical summary
16 (6) Tentative diagnosis and prognosis, if known
17 (7) Any follow-up instructions.

18 27. Code of Federal Regulations, Title 21 ("CFR") section 1301.75, states in
19 pertinent part:

20 (a) Controlled substances listed in Schedule I shall be stored in a securely
21 locked, substantially constructed cabinet.

22 (b) Controlled substances listed in Schedules II, III, IV, and V shall be
23 stored in a securely locked, substantially constructed cabinet. However, pharmacies
24 and institutional practitioners may disperse such substances throughout the stock of
25 noncontrolled substances in such a manner as to obstruct the theft or diversion of the
26 controlled substances.

27 28. Code of Federal Regulations, Title 21 ("CFR") section 1304.11, provides
28 in pertinent part:

29 (a) Each inventory shall contain a complete and accurate record of all
30 controlled substances on hand on the date the inventory is taken, and shall be maintained
31 in written, typewritten, or printed form at the registered location.

32 29. Code of Federal Regulations, Title 21 ("CFR") section 1304.22, provides
33 in pertinent part:

34 Each person registered or authorized to distribute or dispense controlled
35 substances shall maintain records with specific information.

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INSPECTION - AUGUST 12, 2003

30. On December 27, 2002, the Veterinary Medical Board received a telephone call from T.T., a pharmacist at Savon Pharmacy in Santa Ana, stating that she had a concern about the amount of Tylenol Codeine IV that was being ordered by Respondent.

31. On August 12, 2003, J.V., DVM, a Veterinary Medical Board consultant, who is a licensed doctor of veterinary medicine, performed a complaint-related inspection of Respondent's premises, 17th Street Animal Hospital. Senior Investigator S.C. with the Division of Investigation also participated in the inspection of Respondent's facility on August 12, 2003.

32. The Board requested that Dr. J.V. audit Respondent's control drug inventory and match Respondent's drug inventories with his controlled drug log.

33. Investigator S.C. advised Respondent of the complaint and asked Respondent to produce his log for his controlled substances. Investigator S.C. explained to Respondent that they needed to reconcile the amount of controlled substances he had in his inventory against the log. Respondent did not have any accounting of controlled substances or drug logs for controlled drugs kept at his facility.

34. At the time of the inspection, Respondent did not have his doctor of veterinary medicine license posted.

35. Respondent did not have posted in his office at the time of the inspection, the required notice that he did not have any staff on the premises after hours.

36. At the time of the inspection, Respondent did not have a posted referral for emergency treatment after hours.

37. At the time of the inspection, numerous drugs on the shelves in Respondent's work area were expired.

38. A review of Respondent's charts at the time of the inspection revealed that Respondent failed to document amounts of controlled substances given on patient charts.

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1 47. Respondent failed to reconcile his drug inventory to his controlled
2 substance log.

3 48. Respondent had his autoclave in his surgical suite.

4 49. Respondent had expired medications on the shelves.

5 50. Respondent's controlled substances were not properly secured.

6 51. Respondent failed to properly account for his controlled substances in a
7 drug log. Respondent kept his accounting of controlled substances on small scraps of paper and
8 on pre-printed forms that failed to contain usage amounts and remaining balances.

9 SEARCH WARRANT - SEPTEMBER 2004

10 52. On October 28, 2002, the Veterinary Medical Board received a telephone
11 call from the Board of Equalization informing them that S.G., an unlicensed person, was selling
12 veterinary prescription drugs on eBay.

13 53. The Division of Investigation conducted an investigation of S.G. and
14 learned that several veterinarians were supplying him with veterinary products. Respondent was
15 one of the veterinarians discovered to be supplying S.G. with veterinary products.

16 54. On July 14, 2003, the Veterinary Medical Board received a complaint
17 from the Food and Drug Administration (FDA) that consumers purchased misbranded flea
18 products that were illegally imported and were causing adverse reactions in cats. The products
19 were traced back to S.G.

20 55. On September 24, 2004, the Division of Investigation served a search
21 warrant on S.G.'s residence. The Division of Investigation learned that S.G. was ordering
22 veterinary products using various veterinarians' names and license numbers. S.G. gave the
23 veterinarians a "cut" of the money for allowing him to do this.

24 56. The investigation revealed that Respondent was receiving money from
25 S.G.

26 57. The documents reviewed in this investigation revealed that Respondent
27 furnished S.G. with veterinary products outside the veterinarian-client-patient relationship.

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1 patient relationship in violation of California Code of Regulations Section 2032.2 as set forth in
2 paragraphs 53 and 57 above.

3 **FOURTH CAUSE FOR DISCIPLINE**

4 **(Failure to Keep Accounting of Controlled Substances)**

5 68. Respondent's Veterinarian's License Number 9742 and Premise Permit
6 Number 4414 are subject to disciplinary action under Code sections 4081 and 4883 and Code of
7 Federal Regulations sections 1304.22 in that Respondent violated statutes, rules, and regulations
8 regarding dangerous drugs and controlled substances when he failed to keep an accounting or
9 drug log of controlled substances and drugs kept at his facility as required by Code section 4081
10 as set forth in paragraph 33 above.

11 **FIFTH CAUSE FOR DISCIPLINE**

12 **(Failure to Display License)**

13 69. Respondent's Veterinarian's License Number 9742 and Premise Permit
14 Number 4414 are subject to disciplinary action under Code sections 4850 and 4883 in that
15 Respondent failed to display a copy of his Veterinarian's License in his principal place of
16 business as required by Code section 4850 as set forth in paragraph 34 above.

17 **SIXTH CAUSE FOR DISCIPLINE**

18 **(Failure to Post Notice of No Staff on Premises after Hours)**

19 70. Respondent's Veterinarian's License Number 9742 and Premise Permit
20 Number 4414 are subject to disciplinary action under Code section 4883 and California Code of
21 Regulations (CCR) section 2030(d)(3) in that Respondent failed to post the required notice in his
22 office that he did not have any staff on the premises after hours as required by CCR section
23 2030(d)(3) as set forth in paragraph 35 above.

24 **SEVENTH CAUSE FOR DISCIPLINE**

25 **(Failure to Post Referral for Emergency Treatment After Hours)**

26 71. Respondent's Veterinarian's License Number 9742 and Premise Permit
27 Number 4414 are subject to disciplinary action under Code section 4883 and CCR section

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2030(e) in that Respondent failed to have a posted referral for emergency treatment after hours as required by CCR section 2030(e) as set forth in paragraph 36 above.

EIGHTH CAUSE FOR DISCIPLINE

(Expired Drugs)

72. Respondent's Veterinarian's License Number 9742 and Premise Permit Number 4414 are subject to disciplinary action under Code sections 4883 and 4342 and CCR section 2030(f)(6) in that Respondent kept numerous drugs on the shelves in his work area that were expired in violation of Code section 4342 and CCR section 2030(f)(6) as set forth in paragraphs 37 and 49 above.

NINTH CAUSE FOR DISCIPLINE

(Failure to Document Amounts of Controlled Substances)

73. Respondent's Veterinarian's License Number 9742 and Premise Permit Number 4414 are subject to disciplinary action under Code sections 4883 and 4081 and California Code of Regulation 2032.3 in that Respondent violated statutes, rules, and regulations regarding dangerous drugs and controlled substances when he failed to document the amounts of controlled substances given on patient charts in violation of section 4081 as set forth in paragraph 42 above.

TENTH CAUSE FOR DISCIPLINE

(Incomplete and Inaccurate Controlled Substances Logs)

74. Respondent's Veterinarian's License Number 9742 and Premise Permit Number 4414 are subject to disciplinary action under Code sections 4883 and 4081 and Code of Federal Regulations sections 1304.22 in that Respondent violated statutes, rules, and regulations regarding dangerous drugs and controlled substances when he failed to keep complete and accurate controlled substances logs in violation of section 4081 as set forth in paragraph 42 above.

ELEVENTH CAUSE FOR DISCIPLINE

(Abnormal Use of Controlled Substances in Violation of Code Section 4883)

75. Respondent's Veterinarian's License Number 9742 and Premise Permit

1 Number 4414 are subject to disciplinary action under Code section 4883 in that Respondent
2 violated statutes, rules, and regulations regarding dangerous drugs and controlled substances
3 when he used far fewer amounts of controlled substances each month in his practice than he
4 purchased. In addition, Respondent's orders of controlled substances was much higher than
5 average. Respondent ordered a far wider range of various controlled substances than most
6 practitioners would use. Respondent also used many controlled substances that are rarely used in
7 veterinary medicine. These actions violate section 4883 as set forth in paragraph 43 above.

8 **TWELFTH CAUSE FOR DISCIPLINE**

9 **(Failure to Reconcile Drug Inventory to Controlled Substances Log)**

10 76. Respondent's Veterinarian's License Number 9742 and Premise Permit
11 Number 4414 are subject to disciplinary action under Code sections 4883 and 4081 Code of
12 Federal Regulations sections 1304.11 in that Respondent violated statutes, rules, and regulations
13 regarding dangerous drugs and controlled substances when he failed to reconcile his drug
14 inventory to his controlled substances log in violation of section 4081 as set forth in paragraph 47
15 above.

16 **THIRTEENTH CAUSE FOR DISCIPLINE**

17 **(Improper Placement of Autoclave in Surgical Suite)**

18 77. Respondent's Veterinarian's License Number 9742 and Premise Permit
19 Number 4414 are subject to disciplinary action under Code section 4883 and CCR section
20 2030(g)(1) in that Respondent violated statutes, rules, and regulations by placing his autoclave in
21 his surgical suite in violation of CCR section 2030(g)(1) as set forth in paragraph 48 above.

22 **FOURTEENTH CAUSE FOR DISCIPLINE**

23 **(Controlled Substances Not Properly Secured)**

24 78. Respondent's Veterinarian's License Number 9742 and Premise Permit
25 Number 4414 are subject to disciplinary action under Code section 4883 and Code of Federal
26 Regulations (CFR) section 1301.75 in that Respondent violated statutes, rules, and regulations
27 regarding dangerous drugs and controlled substances when he failed to properly secure his
28 controlled substances in violation of CFR section 1301.75 as set forth in paragraph 50 above.

1 **FIFTEENTH CAUSE FOR DISCIPLINE**

2 **(Failure to Properly Account for Controlled Substances)**

3 79. Respondent's Veterinarian's License Number 9742 and Premise Permit
4 Number 4414 are subject to disciplinary action under Code sections 4883 and 4081 Code of
5 Federal Regulations sections 1304.22 in that Respondent violated statutes, rules, and regulations
6 regarding dangerous drugs and controlled substances when he failed to properly account for
7 controlled substances in violation of section 4081 as set forth in paragraphs 47 and 51 above.

8 **SIXTEENTH CAUSE FOR DISCIPLINE**

9 **(Failure to Report Convictions on Renewal Applications)**

10 80. Respondent's Veterinarian's License Number 9742 and Premise Permit
11 Number 4414 are subject to disciplinary action under Code sections 4846.4, 4883, and 4885 in
12 that Respondent failed to report his April 21, 2004 conviction on his June 14, 2004 renewal
13 application as set forth in paragraph 59 above.

14 81. Respondent's Veterinarian's License Number 9742 and Premise Permit
15 Number 4414 are subject to disciplinary action under Code sections 4846.4, 4883, and 4885 in
16 that Respondent failed to report his August 3, 2004 conviction on his June 27, 2006 renewal
17 application as set forth in paragraph 60 above.

18 **PRAYER**

19 WHEREFORE, Complainant requests that a hearing be held on the matters herein
20 alleged, and that following the hearing, the Veterinary Medical Board issue a decision:

21 1. Revoking or suspending Veterinary Number 9742 issued to James
22 Coghlan, DVM.

23 2. Revoking or suspending Premise Permit Number 4414, issued to West 17th
24 Street Animal Hospital, James Coghlan, DVM, Managing Licensee.

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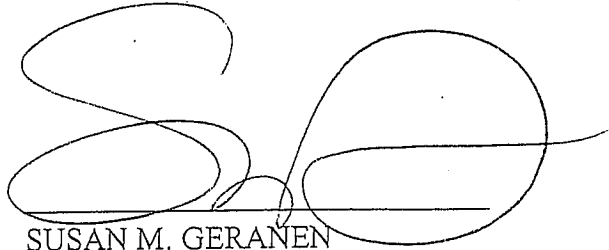
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3. Ordering James Coghlan, DVM to pay the Veterinary Medical Board the reasonable costs of the investigation and enforcement of this case, pursuant to Business and Professions Code section 125.3;

4. Taking such other and further action as deemed necessary and proper.

DATED: 10/29/08



SUSAN M. GERANEN
Executive Officer
Veterinary Medical Board
Department of Consumer Affairs
State of California
Complainant

SD2006800261

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